

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SUBMISSION OF SIGNED DECLARATIONS

ATTN: MAIL STOP MISSING PARTS

APPLICANTS: Dieter CHEREK et al. CONFIRMATION NO.: 5104
SERIAL NO.: 10/623,343 GROUP ART UNIT: 3737
FILED: July 18, 2003
TITLE: "METHOD AND DEVICE FOR POSITIONING A PATIENT IN A
MEDICAL DIAGNOSIS DEVICE OR THERAPY DEVICE"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In response to the Notice dated October 22, 2003 (copy attached), Applicants herewith submit two signed Declarations for the above application, together with a check for the statutory fee in the amount of \$130.00. One of the Declarations has been signed by the inventor Uwe Urnoneit, and the other Declaration has been signed by all of the other co-inventors.

Submitted by,

 (Reg. 28,982)

SCHIFF, HARDIN & WAITE

CUSTOMER NO. 26574

Patent Department

6600 Sears Tower

233 South Wacker Drive

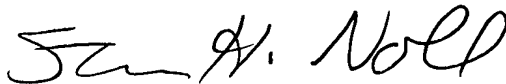
Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 8, 2003.



STEVEN H. NOLL

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHOD AND DEVICE FOR POSITIONING A PATIENT IN A MEDICAL DIAGNOSIS DEVICE OR THERAPY DEVICE"

Case No. P03,0243, the specification of which

(check
one)

☒
☐

is attached hereto.
was filed on _____, as
Application Serial No. _____
and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)
Number

Country

Date

102 32 681.9

Germany

July 18, 2002

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)
Number

Country

Date

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

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Prior Foreign Application(s)
Number

Country

Date

And I hereby appoint all Attorneys identified by United States Patent & Trademark Customer Number 26574, who are all members of the Firm Schiff Hardin & Waite, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
Chicago, Illinois 60606-6473
CUSTOMER NUMBER 26574
Direct Telephone Number for :

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

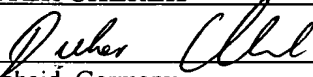
DIETER CHEREK

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

 Date: 7.7.2003
Hirschaid, Germany
Germany
Ginsterweg 23
96114 Hirschaid, Germany

Full name of second joint inventor,
(If any):


ROBERT KAGERMEIER

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

 Date: 10.7.2003
Nürnberg, Germany
Germany
Ebermannstädter Str. 14
90427 Nürnberg, Germany

Full name of third joint inventor,
(If any):

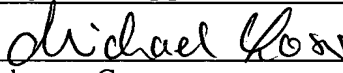
MICHAEL LOSER

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

 Date: 07.07.2003
Erlangen, Germany
Austria
Aufsessstr. 1
91052 Erlangen, Germany

Full name of fourth joint inventor,
(If any):

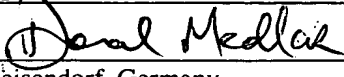
DONAL MEDLAR

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

 Date: 10.7.2003
Weisendorf, Germany
Germany
Am weissen Berg 38
91085 Weisendorf, Germany

Full name of fifth joint inventor,
(If any):

HENDRIK STEINMANN

Inventor's signature:

Hendrik Steinmann

Date: 19.07.2003

Residence:

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Citizenship:

Germany

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67547 Worms, Germany

Full name of sixth joint inventor,
(If any):

UWE URMONEIT

Inventor's signature:

Date: _____

Residence:

Gerhardshofen, Germany

Citizenship:

Germany

Post Office Address:

Herbstwiese 39

91466 Gerhardshofen, Germany

CH1\4018138.1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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(2) It refutes, or is inconsistent with, a position the applicant takes in:

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(ii) Asserting an argument of patentability.

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SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
Chicago, Illinois 60606-6473
CUSTOMER NUMBER 26574
Direct Telephone Number for :

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Full name of sole or first inventor: **DIETER CHEREK**

Inventor's signature:

Date:

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Citizenship:

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Post Office Address:

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Full name of second joint inventor,
(If any):

ROBERT KAGERMEIER

Inventor's signature:

Date:

Residence:

Nürnberg, Germany

Citizenship:

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Post Office Address:

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90427 Nürnberg, Germany

Full name of third joint inventor,
(If any):

MICHAEL LOSER

Inventor's signature:

Date:

Residence:

Erlangen, Germany

Citizenship:

Austria

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91052 Erlangen, Germany

Full name of fourth joint inventor,
(If any):

DONAL MEDLAR

Inventor's signature:

Date:

Residence:

Weisendorf, Germany

Citizenship:

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Post Office Address:

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Full name of fifth joint inventor,
(If any):

HENDRIK STEINMANN

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

Worms, Germany

Germany

Berggartenstraße 8

67547 Worms, Germany

Date: _____

Full name of sixth joint inventor,
(If any):

UWE URMONEIT

Inventor's signature:

Residence:

Citizenship:

Post Office Address:

Gerhardshofen, Germany

Germany

Herbstwiese 39

91466 Gerhardshofen, Germany

Date: _____

08.07.2003